



Docket No.: F9600.0029/P029  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hideki Chujo et al.

Application No.: 09/937,825

Confirmation No.: 7000

Filed: March 26, 2002

Art Unit: 2624

For: DOT CODE AND TWO-DIMENSIONAL  
CODE

Examiner: S. M. Brinich

**SUBMISSION OF ENGLISH LANGUAGE TRANSLATION  
OF JAPANESE OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On September 9, 2005, Applicants filed an Information Disclosure Statement (copy enclosed) with a copy of a Japanese language version of a Japanese Office Action dated January 6, 2005 for the counterpart Japanese application. Attached please find the English language translation of the Office Action. It is respectfully requested that the Examiner consider the Information Disclosure Statement filed on September 9, 2005.

Dated: September 20, 2005

Respectfully submitted,

By 

Thomas J. D'Amico

Registration No.: 28,371

Gianni Minutoli

Registration No.: 41,198

DICKSTEIN SHAPIRO MORIN &  
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Washington, DC 20037-1526

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Attorneys for Applicants



Mailed January 6, 2005

NOTICE OF GROUND OF REJECTION

Patent Application No.	11-094617
Drafting Date	January 4, 2005
Patent Office Examiner	Futoshi Yasuda (3563 5N00)
Attorney	Mr. Yoshio Inamoto
Applied Provision	Paragraph 2 of Article 29, Article 37

The present application shall be recognized to be rejected on the following ground. It is required that the remarks, if any, be submitted within sixty days from the date on which the present NOTICE was mailed.

GROUND

A. It is recognized that, because the invention described in Claim(s) of SCOPE OF CLAIMS FOR PATENT of the present application could have been invented readily by a person having ordinary knowledge in the field of the art to which the present invention pertains prior to the filing of the present application based on the invention as described in the following publication(s) distributed in Japan and/or foreign countries prior to the filing of the present application, a patent cannot be granted thereto under the provision of Paragraph 2 of Article 29 of the Patent Law.

REMARKS (See the list of the cited references.)

As to claim 1:

Reference 1 or 2

Reference 1 discloses that, regarding a dot code constituted of a plurality of dots, reference dots are recorded as isolated dots (paragraphs [0057] to [0060], Fig. 5 (B)).

It is not clearly indicated that, regarding the reference dots recorded as isolated dots, these dots are arranged on the basis of a pitch approximately twice as large as the diameter. However, it is seen, from the description in paragraph [0060] "isolated dots do not interfere with other neighboring dots" and the relation between the diameter of a reference dot 18 and the pitch shown in Fig. 5 (B), the dots are arranged on the basis of a pitch approximately twice as large as the diameter. Therefore, the invention claimed in claim 1 is not particularly distinguished from the reference dots 18 disclosed in Reference 1.

In addition, Reference 2 discloses guide cells 22 with respective dots arranged in every other cell of a matrix (see paragraphs [0002], [0003] and Fig. 2 (b), (d)).

Specifically, the arrangement of the dots in every other cell in a matrix means that the pitch of dots is twice as large as the diameter. Therefore, the invention claimed in claim 1 is not particularly distinguished from the guide cells 22 disclosed in Reference 2.

B. It is recognized that the present application does not satisfy the conditions prescribed in Article 37 of the Patent Law on the following point.

#### REMARKS

The inventions claimed in claims 1 to 6 of the subject application relate to the common field of dot codes and two-dimensional codes. However, respective inventions claimed in the aforementioned claims do not have a common main portion. Therefore, while the inventions claimed in claims 1 to 6 of the subject application have a common object of implementing a code printed to occupy a small area while that can correctly be read, the object has to be achieved by the inventions of the subject application for the first time.

However, as shown for example in Reference 1 (see paragraph [0025]), Reference 3 (see paragraph [0005]) and Reference 4 (see paragraph [0006]), the aforementioned object in the field of dot codes and two-dimensional codes is not achieved for the first time by the subject application. Therefore, the inventions claimed in claims 1 to 6 of the subject application do not comply with the provisions of Article 37 of the Patent Law.

Since the subject application does not comply with the provisions of Article 37 of the Patent Law, no examination has been conducted on the inventions of claims except for the invention of claim 1 with respect to such requirements as novelty and inventive step.

If any grounds of rejection are newly found, the grounds of rejection will be noticed.

#### LIST OF CITED REFERENCES

- (1) Japanese Patent Laying-Open No. 09-179930
- (2) Japanese Patent Laying-Open No. 07-325876
- (3) Japanese Patent Laying-Open No. 08-030977
- (4) Japanese Patent Laying-Open No. 08-106507

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#### Record of Search for Prior Art Documents

* Searched Technical Field	IPC 7th Edition	G06K	07/00
		G06K	19/00-19/18
		B42D	15/00

#### \* Prior Art Documents

Japanese Patent Laying-Open No. 54-053018

Japanese Patent Laying-Open No. 07-325876

Japanese Patent Laying-Open No. 10-283429

Japanese Patent Laying-Open No. 11-039415

This record of search for prior art documents does not form any grounds of rejection.



**Inventor:** Hideki Chujo et al.

**Atty Docket No.:** F9600.0029/P029

**Application No.:** 09/937,825-Conf. #7000

**Filing Date:** March 26, 2002

**Title:** DOT CODE AND TWO-DIMENSIONAL CODE

**Documents Filed:**

Fee Transmittal (1 page)

PTO SB/08 (References) (1 page)

Information Disclosure Statement (2 pages), copy of JP Office Action

Payment by credit card. Form PTO-2038 is attached (1 page)

Charge \$180.00 to credit card



**Via:** PTO DAILY RUN

**Sender's Initials:** TJD/GM/cdl

**Date:** September 9, 2005

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For: DOT CODE AND TWO-DIMENSIONAL  
CODE

Examiner: S. M. Brinich

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

A summary/abstract translation of the non-English language references is enclosed along with a copy of a Japanese Office Action dated January 6, 2005 issued in a corresponding Japanese application.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Please charge our Credit Card in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1073, under Order No. F9600.0029/P029. A duplicate copy of this paper is enclosed.

Dated: September 9, 2005

Respectfully submitted,

By 

Thomas J. D'Amico

Registration No.: 28,371

Gianni Minutoli

Registration No.: 41,198

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

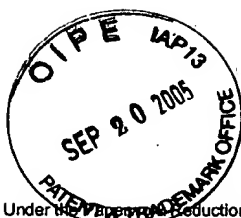
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PTO/SB/08a/b (07-05)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Substitute for form 1449A/B/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	09/937,825-Conf. #7000
				Filing Date	March 26, 2002
				First Named Inventor	Hideki Chujo
				Art Unit	2624
				Examiner Name	S. M. Brinich
Sheet	1	of	1	Attorney Docket Number	F9600.0029/P029

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	BA	JP 07-325876		12/12/1995			
	BB	JP 08-106507		04/23/1996			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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## 拒絶理由通知書

特許出願の番号	平成11年 特許願 第094617号
起案日	平成17年 1月 4日
特許庁審査官	安田 太 3563 5N00
特許出願人代理人	稲本 義雄 様
適用条文	第29条第2項、第37条

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から60日以内に意見書を提出して下さい。

## 理 由

A. この出願の請求項1に係る発明は、その出願前日本国内又は外国において頒布された下記の刊行物に記載された発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

## 記 (引用文献等については引用文献等一覧参照)

・請求項1について：引用文献1または2

引用文献1には、複数のドットにより構成されるドットコードにおいて、孤立ドットとして記録された参照ドットが記載されている。(段落【0057】～【0060】、図5(B))

前記孤立ドットとして記録された参照ドットについては、径の約2倍のピッチを単位として配置されている旨は明記されていないが、段落【0060】における「孤立ドットは、近傍の他のドットとは干渉を起こさない」という記載、および図5(B)に示された参照ドット18の径とピッチとの関係に基づけば、その径の約2倍のピッチを単位としてドットが配置されているものと認められる。従って請求項1に係る発明は、引用文献1に記載された前記参照ドット18に比して、格別の相違点は認められない。

また引用文献2には、1つおきのマトリックスにドットを配置されてなるガイドセル22が記載されている。(段落【0002】、【0003】、図2(b)、(d)参照)

すなわち、1つおきのマトリックスにドットを配置するということは、ドットのピッチが径の2倍ということになり、従って請求項1に係る発明は、引用文献

記

引用文献等一覽

1. 特開平9-179930号公報
2. 特開平7-325876号公報
3. 特開平8-30977号公報
4. 特開平8-106507号公報

## 先行技術文献調査結果の記録

・調査した分野      I P C    第7版   G O 6 K   1 7 / 0 0  
                               G O 6 K   1 9 / 0 0 - 1 9 / 1 8  
                               B 4 2 D   1 5 / 0 0

整理番号:058491      発送番号:003765      発送日:平成17年 1月 6日      3/E

・ 先行技術文献      特開昭 5 4 - 5 3 0 1 8 号公報  
                         特開平 7 - 3 2 5 8 7 6 号公報  
                         特開平 1 0 - 2 8 3 4 2 9 号公報  
                         特開平 1 1 - 3 9 4 1 5 号公報

この先行技術文献調査結果は、拒絶理由を構成するものではない。

この拒絶理由通知の内容に関するお問い合わせ、または面接のご希望がございましたら下記までご連絡下さい。

特許審査第四部    情報処理

村田    充裕

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